

The Sanders-Leahy Flood Resilience Amendment #889

Senators Sanders and Leahy introduced the amendment to help towns rebuilding their bridges and culverts damaged by Tropical Storm Irene.

Background

- Tropical Storm Irene impacted 225 Vermont municipalities, with 90 bridges and 963 culverts damaged or destroyed statewide. It is FEMA's responsibility to pay for rebuilding this infrastructure.
- Long before Tropical Storm Irene, the Vermont Legislature enacted stream alteration standards that prevent flood hazards, damage to fish and wildlife, and damage to adjacent property owners. These standards – as implemented through the Vermont General Permit process – result in resilient infrastructure and are looked to as a model by other states.
- Yet FEMA has denied reimbursement for the full cost of replacing this infrastructure to comply with the State's more stringent and resilient standards.
- Unfortunately, there appears to be a fundamental misunderstanding at FEMA of how the state permitting system interacts with the State statute. Since the Vermont General Permit merely implements the statutory standards, FEMA's refusal to reimburse the additional cost of complying with the permit system confuses a permitting tool with longstanding and uniform statutory standards established by the State of Vermont.
- As a result, dozens of communities are left in limbo between the State, which says they must install larger infrastructure, and FEMA, which will only pay to replace what was there previously.

Amendment Text

S.A. 889 -- For all major disasters declared under the Robert T. Stafford Disaster and Emergency Assistance Act on or after August 27, 2011, the Corps of Engineers and the Federal Emergency Management Agency shall consider eligible the costs necessary to comply with any State stream or river alteration permit required for the repair or

replacement of otherwise eligible damaged infrastructure, such as culverts and bridges, including any design standards required to be met as a condition of permit issuance.

Summary

- The Sanders-Leahy amendment simply makes it clear that if a State – like Vermont, for instance – requires towns and cities to replace damaged bridges and culverts with more resilient infrastructure, then the Corps and FEMA must reimburse the municipalities properly for the cost.
- Nearly two years since Tropical Storm Irene struck Vermont, dozens of our communities are still stuck in limbo between the State, which says they must install stronger infrastructure, and FEMA, which will only pay to replace what was there previously.
- This amendment affects about 20 town bridge and culvert projects statewide – and would save these little towns about \$1 million.
- Rebuilding to these stronger State standards now will save money and save lives in the future, instead of just replacing what was there and got washed away by the floods. The outcome here will be more flood resistance bridges and culverts, with lots of money and lives saved in the long run.
- This legislation validates a State permit system that has become a national model for doing environmentally friendly stream work that prevents damage from future floods, damage to fish and wildlife, and damage to adjacent property.